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FILED IN THE U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OCT 11 2023

SEAN F. MCAVOY, CLERK
DEPUTY
YAKIMA, WASHINGTON

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

9 UNITED STATES OF AMERICA,
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11 Plaintiff,

12 v.
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14 CRAIG MICHAEL BERRY,
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16 Defendant.
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1:23-CR-2058-SAB

INDICTMENT

18 U.S.C. § 2251(a), (e)

Production and Attempted Production
of Child Pornography
(Counts 1, 3, 5, 7, 9, 12, 14)

18 U.S.C. § 2422(b)

Online Enticement and Attempted
Online Enticement of a Minor
(Counts 2, 4, 6, 8, 10, 11, 13, 15)

18 U.S.C. § 2253, 18 U.S.C. § 2428
Forfeiture Allegations

22 The Grand Jury charges:
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24 COUNT 1

25 Beginning on or about October 1, 2021, and continuing to on or about
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27 October 20, 2022, in the Eastern District of Washington, the Defendant, CRAIG
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MICHAEL BERRY, did knowingly employ, use, persuade, induce, entice, and

1 coerce Minor Victim 1, a minor girl born in 2005, to engage in sexually explicit
2 conduct for the purpose of producing any visual depictions of such conduct,
3 knowing and having reason to know that such visual depictions would be produced
4 using materials that had been mailed, shipped, and transported in and affecting
5 interstate and foreign commerce by any means, including by computer, and did
6 attempt to do the same, in violation of 18 U.S.C. § 2251(a), (e).
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10 COUNT 2

11 Beginning on or about October 1, 2021, and continuing to on or about
12 October 20, 2022, in the Eastern District of Washington, the Defendant, CRAIG
13 MICHAEL BERRY, did unlawfully and knowingly use any facility and means of
14 interstate and foreign commerce, to wit: the internet, a computer, and a cellular
15 phone, to persuade, induce, entice and coerce Minor Victim 1, an individual who
16 had not attained the age of 18 years, to engage in any sexual activity for which a
17 person can be charged with a criminal offense, including 18 U.S.C. § 2251(a), (e),
18 Production and Attempted Production of Child Pornography, and did attempt the
19 same, all in violation of 18 U.S.C. § 2422(b).
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24 COUNT 3

25 Beginning on or about October 1, 2021, and continuing to on or about
26 October 20, 2022, in the Eastern District of Washington, the Defendant, CRAIG
27 MICHAEL BERRY, did knowingly employ, use, persuade, induce, entice, and
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1 coerce Minor Victim 2, a minor girl born in 2008, to engage in sexually explicit
2 conduct for the purpose of producing any visual depictions of such conduct,
3 knowing and having reason to know that such visual depictions would be produced
4 using materials that had been mailed, shipped, and transported in and affecting
5 interstate and foreign commerce by any means, including by computer, and did
6 attempt to do the same, in violation of 18 U.S.C. § 2251(a), (e).
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10 COUNT 4

11 Beginning on or about October 1, 2021, and continuing to on or about
12 October 20, 2022, in the Eastern District of Washington, the Defendant, CRAIG
13 MICHAEL BERRY, did unlawfully and knowingly use any facility and means of
14 interstate and foreign commerce, to wit: the internet, a computer, and a cellular
15 phone, to persuade, induce, entice and coerce Minor Victim 2, an individual who
16 had not attained the age of 18 years, to engage in any sexual activity for which a
17 person can be charged with a criminal offense, including 18 U.S.C. § 2251(a), (e),
18 Production and Attempted Production of Child Pornography, and did attempt the
19 same, all in violation of 18 U.S.C. § 2422(b).
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24 COUNT 5

25 Beginning on or about September 24, 2022, and continuing to on or about
26 October 20, 2022, in the Eastern District of Washington, the Defendant, CRAIG
27 MICHAEL BERRY, did knowingly employ, use, persuade, induce, entice, and
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1 coerce Minor Victim 3, a minor girl born in 2006, to engage in sexually explicit
2 conduct for the purpose of producing any visual depictions of such conduct,
3 knowing and having reason to know that such visual depictions would be produced
4 using materials that had been mailed, shipped, and transported in and affecting
5 interstate and foreign commerce by any means, including by computer, and did
6 attempt to do the same, in violation of 18 U.S.C. § 2251(a), (e).
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COUNT 6

Beginning on or about September 24, 2022, and continuing to on or about
October 20, 2022, in the Eastern District of Washington, the Defendant, CRAIG
MICHAEL BERRY, did unlawfully and knowingly use any facility and means of
interstate and foreign commerce, to wit: the internet, a computer, and a cellular
phone, to persuade, induce, entice and coerce Minor Victim 3, an individual who
had not attained the age of 18 years, to engage in any sexual activity for which a
person can be charged with a criminal offense, including 18 U.S.C. § 2251(a), (e),
Production and Attempted Production of Child Pornography, and did attempt the
same, all in violation of 18 U.S.C. § 2422(b).

COUNT 7

Beginning on or about a date unknown, but at least by on or about April 3,
2021, and continuing to on or about October 20, 2022, in the Eastern District of
Washington, the Defendant, CRAIG MICHAEL BERRY, did knowingly employ,

1 use, persuade, induce, entice, and coerce Minor Victim 4, a minor girl born in
2 2007, to engage in sexually explicit conduct for the purpose of producing any
3 visual depictions of such conduct, knowing and having reason to know that such
4 visual depictions would be produced using materials that had been mailed, shipped,
5 and transported in and affecting interstate and foreign commerce by any means,
6 including by computer, and did attempt to do the same, in violation of 18 U.S.C. §
7 2251(a), (e).
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11 COUNT 8

12 Beginning on or about a date unknown, but at least by on or about April 3,
13 2021, and continuing to on or about October 20, 2022, in the Eastern District of
14 Washington, the Defendant, CRAIG MICHAEL BERRY, did unlawfully and
15 knowingly use any facility and means of interstate and foreign commerce, to wit:
16 the internet, a computer, and a cellular phone, to persuade, induce, entice and
17 coerce Minor Victim 4, an individual who had not attained the age of 18 years, to
18 engage in any sexual activity for which a person can be charged with a criminal
19 offense, including 18 U.S.C. § 2251(a), (e), Production and Attempted Production
20 of Child Pornography, and did attempt the same, all in violation of 18 U.S.C. §
21 2422(b).
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COUNT 9

Beginning on or about April 1, 2022, and continuing to on or about October 20, 2022,, in the Eastern District of Washington, the Defendant, CRAIG MICHAEL BERRY, did knowingly employ, use, persuade, induce, entice, and coerce Minor Victim 5, a minor girl born in 2006, to engage in sexually explicit conduct for the purpose of producing any visual depictions of such conduct, knowing and having reason to know that such visual depictions would be produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and did attempt to do the same, in violation of 18 U.S.C. § 2251(a), (e).

COUNT 10

Beginning on or about April 1, 2022, and continuing to on or about October 20, 2022, in the Eastern District of Washington, the Defendant, CRAIG MICHAEL BERRY, did unlawfully and knowingly use any facility and means of interstate and foreign commerce, to wit: the internet, a computer, and a cellular phone, to persuade, induce, entice and coerce Minor Victim 5, an individual who had not attained the age of 18 years, to engage in any sexual activity for which a person can be charged with a criminal offense, including 18 U.S.C. § 2251(a), (e), Production and Attempted Production of Child Pornography, and did attempt the same, all in violation of 18 U.S.C. § 2422(b).

COUNT 11

Beginning on or about October 2, 2022 and continuing to on or about October 3, 2022, in the Eastern District of Washington, the Defendant, CRAIG MICHAEL BERRY, did unlawfully and knowingly use any facility and means of interstate and foreign commerce, to wit: the internet, a computer, and a cellular phone, to attempt to persuade, induce, entice and coerce Minor Victim 6, an individual who had not attained the age of 18 years, to engage in any sexual activity for which a person can be charged with a criminal offense, including 18 U.S.C. § 2251(a), (e), Production and Attempted Production of Child Pornography, and did attempt the same, all in violation of 18 U.S.C. § 2422(b).

COUNT 12

Beginning on or about November 1, 2021, and continuing to on or about October 20, 2022, in the Eastern District of Washington, the Defendant, CRAIG MICHAEL BERRY, did knowingly employ, use, persuade, induce, entice, and coerce Minor Victim 7, a minor girl born in 2007, to engage in sexually explicit conduct for the purpose of producing any visual depictions of such conduct, knowing and having reason to know that such visual depictions would be produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and did attempt to do the same, in violation of 18 U.S.C. § 2251(a), (e).

COUNT 13

Beginning on or about November 1, 2021, and continuing to on or about October 20, 2022, in the Eastern District of Washington, the Defendant, CRAIG MICHAEL BERRY, did unlawfully and knowingly use any facility and means of interstate and foreign commerce, to wit: the internet, a computer, and a cellular phone, to persuade, induce, entice and coerce Minor Victim 7, an individual who had not attained the age of 18 years, to engage in any sexual activity for which a person can be charged with a criminal offense, including 18 U.S.C. § 2251(a), (e), Production and Attempted Production of Child Pornography, and did attempt the same, all in violation of 18 U.S.C. § 2422(b).

COUNT 14

Beginning on or about October 3, 2022, and continuing to on or about October 20, 2022, in the Eastern District of Washington, the Defendant, CRAIG MICHAEL BERRY, did knowingly employ, use, persuade, induce, entice, and coerce Minor Victim 8, a minor girl born in 2006, to engage in sexually explicit conduct for the purpose of producing any visual depictions of such conduct, knowing and having reason to know that such visual depictions would be produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and did attempt to do the same, in violation of 18 U.S.C. § 2251(a), (e).

COUNT 15

Beginning on or about October 3, 2022, and continuing to on or about October 20, 2022, in the Eastern District of Washington, the Defendant, CRAIG MICHAEL BERRY, did unlawfully and knowingly use any facility and means of interstate and foreign commerce, to wit: the internet, a computer, and a cellular phone, to persuade, induce, entice and coerce Minor Victim 8, an individual who had not attained the age of 18 years, to engage in any sexual activity for which a person can be charged with a criminal offense, including 18 U.S.C. § 2251(a), (e), Production and Attempted Production of Child Pornography, and did attempt the same, all in violation of 18 U.S.C. § 2422(b).

NOTICE OF CRIMINAL FORFEITURE ALLEGATIONS

The allegations contained in this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures.

Pursuant to 18 U.S.C. § 2253, upon conviction of an offense(s) in violation of 18 U.S.C. § 2251(a), (e), and/or 18 U.S.C. § 2252A(a)(2) and/or 18 U.S.C. § 2252A(a)(2)(A), (b)(1), as set forth in Counts 1, 3, 5, 7, 9, 12, and 14 of this Indictment, Defendant, CRAIG MICHAEL BERRY, shall forfeit to the United States of America any visual depiction described in section 2251, 2251A, 2252, 2252A, 2252B, or 2260 of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was

1 produced, transported, mailed, shipped or received in violation of this chapter; any
2 property, real or personal, constituting or traceable to gross profits or other
3 proceeds obtained from such offenses; and, any property, real or personal, used or
4 intended to be used to commit or to promote the commission of such offenses, or
5 any property traceable to such property, including, but not limited to:
6

7 - a Black Samsung Galaxy S21 Model # SM-G996U cellular phone

8 If any of the property described above, as a result of any act or omission of
9 the Defendant:
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- 11
- 12 a. cannot be located upon the exercise of due diligence;
 - 13 b. has been transferred or sold to, or deposited with, a third party;
 - 14 c. has been placed beyond the jurisdiction of the court;
 - 15 d. has been substantially diminished in value; or
 - 16 e. has been commingled with other property which cannot be divided
17 without difficulty,

18 the United States of America shall be entitled to forfeiture of substitute property
19 pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b).
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21 Pursuant to 18 U.S.C. § 2428, upon conviction of an offense(s) in violation
22 of 18 U.S.C. § 2422(b), as set forth in Counts 2, 4, 6, 8, 10, 11, 13 and 15 of this
23 Indictment, the Defendant, Craig Michael Berry, shall forfeit to the United States
24 of America, any property, real or personal, that was used or intended to be used to
25 commit or to facilitate the commission of the offense(s) and any property, real or
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1 personal, constituting or derived from any proceeds obtained, directly or
2 indirectly, as a result of the offense(s), including but not limited to:

3
4 - a Black Samsung Galaxy S21 Model # SM-G996U cellular phone

5 If any of the property described above, as a result of any act or omission of
6 the Defendant:

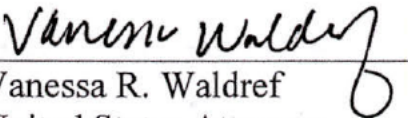
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8 a. cannot be located upon the exercise of due diligence;
9 b. has been transferred or sold to, or deposited with, a third party;
10 c. has been placed beyond the jurisdiction of the court;
11 d. has been substantially diminished in value; or
12 e. has been commingled with other property which cannot be divided
without difficulty,


13 the United States of America shall be entitled to forfeiture of substitute property
14 pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

15 DATED this 11 day of October, 2023.

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17
18 A TRUE BILL

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21 Foreperson

22 
Vanessa R. Waldref
23 United States Attorney

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25 Christopher J. Bridger
26 Assistant United States Attorney
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